

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

October 23, 2008



CU 08-10: Burton Creek Development, Ltd.

CASE DESCRIPTION: request for approval of a Conditional Use Permit to allow nine clusters of townhouses on property in a Residential District – 5000 (RD-5)

LOCATION: 6.7 acres of vacant land out of John Austin Survey, A-2 located northeast from the intersection of Ella Lane and Peterson Way, north of Red River Drive in Bryan, Brazos County, Texas (proposed Briar Meadows Creek Subdivision – Phase 4)

ZONING: Residential District – 5000 (RD-5)

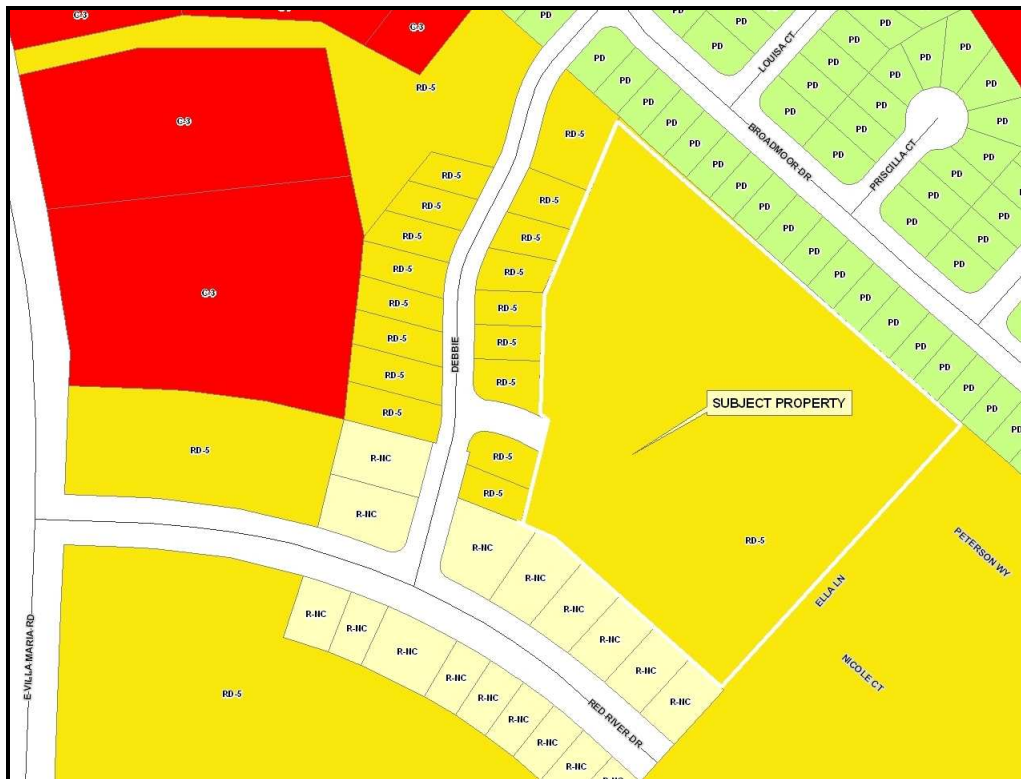
EXISTING LAND USE: vacant land

APPLICANT(S): Paul Leventis of Burton Creek Development, Ltd.

STAFF CONTACT: Martin Zimmermann, Planning Administrator

SUMMARY RECOMMENDATION: Staff recommends **approving** this Conditional Use Permit.

LOCATION MAP AND AERIAL PHOTOGRAPH (2008):



BACKGROUND:

The applicants, Burton Creek Development, Ltd. desire to develop the 6.7-acre subject property they own with townhouses. Townhouses are a series of three or more attached single-family dwelling units, sharing common walls, with each dwelling unit having private entrances and being located on a separate lot. The attached site plan shows a proposed arrangement of nine clusters of townhouses on this property along two new street extensions. Each cluster or series of proposed townhouses has three to six attached single-family dwelling units (40 dwelling units total or 5.9 dwelling units per acre).

In RD-5 zoning districts of Bryan, townhouses are potentially allowed, but only with approval of a Conditional Use Permit from the Planning and Zoning Commission. The applicants are requesting approval of such a Conditional Use Permit, which, if approved, would allow the development of this property with townhouses as shown on the accompanying site plan.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a new Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making a decision regarding this particular request:

Chapter 5: Land Use

5.5. Land Use Policies

Use-Specific Land Use Policies

Low Density Residential land serves to provide housing and living units for a variety of people with a range of incomes and needs. It predominantly consists of detached single family dwellings but may consist of other housing types as long as densities remain low; up to 8 dwelling units per acre.

Redevelopment and Infill Policies

Policy statements:

- Residential redevelopment and infill shall be sensitive to the context within which it occurs. Contextual standards shall be included to ensure compatibility with surrounding residential areas, to include lot size, setbacks, density, building height and mass and architectural design.

Land Use Goal #1:

Achieve a balance of land uses within the city.

Land Use Goal #1, Objective A:

Achieve a sustainable mix of land use types in suitable locations, densities and patterns.

ANALYSIS:

Approval of a Conditional Use Permit by the Planning and Zoning Commission shall be based upon the following criteria.

1. Whether the proposed conditional use conforms to applicable regulations and standards established by the Zoning Ordinance.

The proposed townhouse development will conform to all applicable regulations and standards established by the Zoning Ordinance and the Land and Site Development Ordinance. No variations from existing standards are being requested.

2. Whether the proposed conditional use is compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

Staff believes that the proposed arrangement of townhouses on the subject property will be compatible with existing or permitted uses on abutting sites, most of which are currently in single-family residential use or intended for low density residential use.

3. Whether and the extent to which the proposed conditional use potentially creates greater unfavorable effect or impacts on other existing or permitted uses on abutting sites than those which reasonably may result from the use of the site by a permitted use.

Staff cannot discern any greater unfavorable effects or impacts that may result from the development of this property with townhouses than those that may result from the use of this property by a use that is permitted by right in the RD-5 zoning district.

4. Whether and the extent to which the proposed conditional use affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

Staff contends that the proposed arrangement of townhouses at this location should not have any adverse effects on vehicular and pedestrian traffic in this vicinity. All adjacent properties are either currently in single-family residential use or intended for single-family residential development.

5. Whether and the extent to which the proposed conditional use would reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

Any new development on this property, including a new single-family residential subdivision, will be required to meet City regulations concerning erosion, flood, fire and other hazards and impacts.

6. Whether and the extent to which the proposed conditional use adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

Staff contends that the proposed arrangement of townhouses at this location should not have any adverse effects on traffic control or adjacent properties.

7. Whether and the extent to which the proposed conditional use provides adequate and convenient off-street parking and loading facilities.

Staff contends that the proposed conditional use will provide adequate and convenient off-street parking. As mentioned above, no variations from existing standards are being requested.

8. Whether the proposed conditional use conforms to the objectives and the purpose of the zoning district in which the development is proposed.

The RD-5 zoning district is intended to provide opportunities for development of single-family dwellings at low densities. Staff believes that, in this particular case, development of this property with townhouses conforms to the objectives and the purpose of the RD-5 zoning district.

9. Whether the proposed conditional use will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Staff believes that the proposed development of this property with townhouses will have few (if any) ill effects on properties or improvements in the vicinity. As mentioned before, most adjacent properties are currently developed or intended for development with single-family homes in either a conventional or patio home arrangement.

10. Whether the premises or structures are suitable for the proposed conditional use.

For the same reasons given above, staff believes that the subject property is suitable for development with townhouses as shown on the accompanying site plan.

RECOMMENDATION:

Based on all these considerations, staff **recommends approving** the Conditional Use Permit, as requested. The proposed townhouse development on the subject property appears to conform to land use recommendations of the Bryan Comprehensive Plan and meet all the required criteria for approval of Conditional Use Permits as stipulated by the Zoning Ordinance.